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11-17-2014

### Statement by Michael Augustine collected by Rachel George on November 17, 2014

Michael Auguustine

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### **General Information**

**Private or Public Statement?** - Private

**Statement Provider:** Michael Augustine

**Date:** November 17, 2014

**Location:** Bangor, Maine

**Previous Statement?** N/A

**Statement Gatherer:** Rachel George

**Support Person:** N/A

**Additional Individuals Present:** N/A

**Recording Format:** Audio

**Length of Recording:** 1:21:58

### **Recording**

**RG:** All right. It is November 17, 2014. I'm here in Bangor, Maine. The file number is ME-201411-00135. My name is Rachel George, and I'm here today with:

**MA:** Michael Augustine.

**RG:** Fantastic. Michael, have you been informed, understood and signed the consent form?

**MA:** I have.

**RG:** Great. And I have to let you know if, at any point during this recording, you indicate that there is a child or an elder currently in need of protection, or that there is imminent risk of serious bodily harm or death to an identifiable person or group, including yourself, that that information may not be protected as confidential.

**MA:** Understood.

**RG:** Okay! Can you tell me a little bit about your experiences, um, in care?

**MA:** Absolutely. [00:00:51.02] I entered care when I was about three, so 1983. I entered care with my two biological brothers, um, James and Robert. And they, all three of us were placed in the same foster home at the time. At that time, it was a short-term placement. We were

placed in a small community, Deer Isle -Stonington and ... at that time the Department's philosophy appeared to be more reunification at any cost. So, we ended up bouncing between that foster home and our biological foster home. From what records and what my memory can say, seven or eight times.

**[00:01:42.26]** The foster parents would drive us to, um, our biological family saying, 'We love you, we love you, we love you. We'll see you in a few months.' When we get back to live with our biological family, um: 'The State was wrong. They stole you from us. We're going to keep you safe.' And that happened about seven or eight different times. The first placement, they were non-Native, and at that time, there really wasn't any involvement with the Tribe. I was put up for adoption when I was six years old. And at that point, um, my older brother was placed in another foster home outside of us, and I never saw him once he moved out.

**[00:02:40.19]**

I was put up for adoption and it was, actually was going to be adopted by my speech and language teacher, um, at the time. So, I went to live with her. She lived in Stonington at the time. So I knew her, and it was a great little community down there. My younger brother stayed in that foster home for several more months, and then got transferred to a long-term placement. That was non-Native as well. So I was put up for adoption. We were going through the adoption process, but at that time in Stonington, there were no services available. And I started showing signs of aggression, and, um, every time that **[00:03:39.16]** that woman showed me love, I became very upset. Was diagnosed with attachment disorder eventually, because of the transitions back and forth. So at that time, the Department gave Sue the choice of putting me back into foster care up in the Bangor area or dealing with it herself. Being a single mom and living in Stonington in the early '80s, she only had one choice, and that was to put me back into care. So I bounced around to, oh, upwards of 30 foster homes after that point. And none of them were ever Native.

The only exposure I had with my Tribe was, they allowed me to have very limited contact with my, um, grandfather who was, at the time, let's see. *(pause)* I can't remember the name of the facility, but it's now Dorothea Dix. **[00:04:51.28]** I believe it was BHMI. And I used to love going there, but they used that as a punishment. If I was not behaving, they would take that visit away.

He was, had suffered some brain injuries from an accident, um, but I always loved going to see him. I remember, he was the first time that I really understood that I was Native. He would talk to me in our Native tongue. At one point, he was trying to teach it to me, but due to his memory loss, each visit was very new to him. **[00:05:46.14]** So we never made it very far in that, um, but I remember that he used to call me Little Bear, and I just thought that was the best thing since sliced bread. I knew that I was Native before seeing him. Both my brothers, um, have the darker skin. I'm the oddball in the family. I burn. I'm red. *(laughs)* **[00:06:19.12]** But it was — My grandfather had that gorgeous long hair, um, the dark skin, and was able to speak Native and that was just, I wanted to soak it up. And I, I think we probably had four or five different visits. And then they just stopped because I was not — They said that because of my behavior at home, they would not allow me to go have visits with him anymore.



And they never allowed me any other opportunity to learn customs. I remember talking with different foster homes and my caseworkers about wanting to go to different outings and wanting to be able to learn. Basket weaving was the one thing I really, I wanted to do. One of my foster parents, she was taking a basket-making class, and I told them that I want to go learn how to make traditional baskets, and they said that, the standard answer was they would look into it. [00:07:44.11] I was never allowed to go to Pow Wows. There was never any trips to the reservation. I asked if we could go, and they said we couldn't. Aroostook County was too far, and they were not allowing me to go into Canada. They said the foster parents, it was too far for them to travel. My caseworker didn't have the time to do that. So it was not actually until 2011, that I, was the first time I went to Aroostook County and was on the reservation.

It was ... just amazing. I can remember that day. It was, it was, I went in to find out about my application for membership, and, because I'd been having some trouble with that. And I went in. I finally found the place, and I met a friend of my grandparents. She worked there, and we got talking and she ran back to her house and brought pictures of my grandmother and grandfather that I still have up to this day at my house. Because she knew more about them than I did. [00:09:22.03] It was just so powerful walking around there and having that warm of a reception. And come to find, out the reason things have been held up, was my DHS caseworker in '92 did not fill out the form to re-enroll me into the Tribe. And, my grandfather has since passed away. My grandmother has passed away. I've chosen not to have contact with my biological family because of the continued drug use and different factors that I don't feel like they're a safe option. And I, so I found out that in '92 a letter was sent, 'cause I, I was able to locate, um, paperwork showing from the Tribe — the Aroostook County Band of Micmacs — saying that I was a member. Then that all, that my brothers were members because of my grandfather. For the Aroostook County Band and the Big Cove Band of Micmacs.

[00:10:42.07] And originally I thought that would be sufficient. But I, as an adult, I learned that that's not true. I needed to go apply for my own Tribal numbers. So, in 2003, um, after aging out of foster care, I decided that I wanted to be adopted. When I was 16, I went back to live with my biological family, um, and found that that was not a safe option. I called Sue up, who was going to adopt me. She was the only person I kept in contact my entire life. And she allowed me to come live with her, under one condition: that I re-enroll in high school. So I re-enrolled in high school, moved back to live with her, and I decided, I don't need a piece of paper to tell me who my mom was. That this woman was my mom. After some medical incidences, I decided that, you know, it would be important to have her be recognized by the outside. She was my mother.

So, as an adult, we went and, through the adoption process, and she adopted me at the age of 23. And at the time, not realizing the effect that that would have on getting required documentation, I had her name put on my birth certificate. I wanted to keep my last name as Augustine because I wanted to honor my Native American ancestry. But I also wanted to honor

her. So I took her last name as my middle. [00:12:38.17] Thinking that that would be the best of both worlds. And she was very supportive of all of that. I later find out that the reason things have been held up in Aroostook County was because I — The DHS caseworker did not fill out the paperwork needed to re-enroll me.

So now, I was going to have to go and prove my ancestry through dates of birth and where people were born. And, in order to get that information, I ended up having to go back and have contact with my biological family, which really put me in an awkward position and very uncomfortable. Because I was then indebted to them. They had that information. And it took a while to get all that information that I needed. [00:13:39.01] But apparently, they did not have accurate information, because there's mental health and substance use in my family and, they gave me the wrong information. So, to this day, I am not on the census in Aroostook County. And I'm now stuck at a point where my birth certificate does not have my biological mother's name on it to prove that I am Native.

So I've been told that I can go to the Office of Vital Records and access that information, but, quite honestly, one thing I'm hoping for out of this, is a recommendation that, because of the injustices that were done and the lack of follow-through with ICWA, that the State be obligated to assist with obtaining those records. [00:15:00.21] And assisting us with reconnecting with that. 'Cause at this point, all the financial burden is on us. And, we're not the ones that screwed up. So, that's one of my big hopes, is that there's some — I think that would be a great way of correcting a huge wrong.

My mother, um, Sue, was very supportive and has been very supportive of me trying to reach out to the communities. She was actually the first one to offer to take me, um, to Big Cove. And we took a field trip together, and she walked right in and helped me explain the process, show them the documentations that I had, and was able to get me on their census. And, she's been very supportive of taking me to Pow Wows when I was in high school, and reaching out to different community members. She's offered to pay for language for myself and my daughter, um, so that we can learn that together. [00:16:23.26] For holidays, she's always looking for Native crafts that she's able to buy to help support the Tribes, but also to expose me to the culture that she knows is so important to me.

But at this point in my life, I feel like I should not have to be jumping through all these hoops, because my caseworker did not fill out that one piece of paper. And now that my grandfather's passed away, I don't have that information. My grandmother, um, my birth certificate does not have my Native mother's name on it anymore. If I want to go back and try and find the correct information, I have no idea. I believe my biological family, and I think that they were telling me the truth that they knew. But, dates of birth and, um, deaths were not accurate.

[00:17:35.13] For example, based on the information that my biological mother gave me about her father, they cannot find him. But, that woman that I met up in Aroostook County knew him and was able to correct that information. 'Oh yes, there he is.'

But, um, and it's not just for myself I want that. I feel wrong and I feel really angry about it at times. It's that my daughter now has no involvement with the Tribe. We do live further away.



So that complicates things, but with technology, and what's available on the Internet, I'm able to expose her to as much as I can. But I want her to be able to really appreciate where she comes from and ... I can't do that right now. [00:18:40.29] It's, *(pause, sigh)* it's a challenge and I, I don't think it's fair. And we did this huge family tree, and I realized, I don't know much about my biological family. And it's so important to be able to document this for the Native, that that's something that should have been, I should have had assistance with my caseworker. Throughout this, I have learned that my grandfather was adopted. So that, my biological mother, her last name at Big Cove is different than it is at Aroostook County. Her last name is Simon in Big Cove, which is my grandfather's given name, but he was adopted by the Augustines, so he changed his name. But for some reason, she is registered as Simon up there. [00:20:04.18]

Things like that, that it's been like pulling teeth. It's been a — It's been a 15-year battle for me to get on the census up to Aroostook County. Luckily, I found that when I went to get my master's, I was able to have the tuition waiver, um, through the University of Maine, which was a huge help for me to be able to go back and get my master's degree. It would have been really helpful to be able to use that for my undergrad, but ... And, the other — I went for a long time without having any health insurance and racked up a lot of debt, um, and to this day I cannot use services up to Indian Island, because I'm not on the Big Cove census. Because of an error that was done. The years after college and before I was able to find work, I was, it would have been really helpful to have been able to access the medical and mental health services. [00:21:24.21] Instead of going into huge debt.

**RG:** Yeah, absolutely.

**MA:** And I feel very fortunate that I've had the support of this amazing woman. She's been an advocate for me, um, and I've been able to reach out and make connections. And I have been able to educate myself. But I know, for example, my two brothers are still battling. And they weren't adopted in — Their names haven't been changed. So, they have that information much more readily accessible to them. But they're all — Both of them are in the same position as I am. We were placed in non-Native homes, and never exposed to our culture. [00:22:19.00] It was, it was a teacher that was able to, um, give me a book, um, of stories and music. And she gave it to me through a caseworker. And when I, I received a package when I left care, and it had that book in it, um, and it had that letter from the Tribes. That was the first time I saw that letter. Just, it's a ...

**RG:** Did ah, did anyone ever ask if you were Native when you came into care?

**MA:** *(indrawn breath)* Not that I'm aware of. I know some people throughout knew that I was Native. [00:23:13.05] I don't remember when, um, what conversations were had because of my age when I came into care, but I do know other — It was something that was talked about that I

was Native. [00:23:26.06] I was ‘Indian,’ was the term. And I remember a lot of them — I remember more than one foster home making the connection to, ‘Well, were your parents alcoholics? Is that why you came into care?’ And at the time, I did not understand what they were talking about. But that was one of the first things I — a couple different foster homes asked. And then, when I started experimenting with alcohol when I was a teenager, um, I remember the foster parents saying that, ‘And, he comes from — And he's Indian and there's a lot of drinking in his family.’ And that was not true whatsoever. It was, um, um, neglect and physical and sexual abuse. It had nothing to do with alcohol. [00:24:33.11] But they just assumed.

**RG:** Um, hmm. Wow. Was your caseworker available to you throughout your time while you were in care? Or, do you remember site visits?

**MA:** No. I remember making reports that I had — one of my foster homes — The foster home in Deer Isle was, um, very abusive to the, to me and my siblings. And they ... did nothing for it. And to this day, it's really hard to go see. Go home. Stonington is a small community, and so I run into that family. And they're a very well-known family in the community. And they were never investigated or charged with anything. And it's hard to this day to, um, see them. It was, it just so happens that they adopted a young girl that was placed there when we were there, and that adoption — She ended up running away from them because of the abuse. [00:25:52.00] But, a lot of caseworkers I do not remember seeing much at all. And I know I went through a lot of different caseworkers because of a lot of different moves, um, and it came to a point where I knew the system better than the caseworkers. And I would manipulate the system to get what I needed. And when the turnover rate is so high —

**RG:** Yeah. How do you mean? [00:26:25.24]

**MA:** I did not want to get close to anyone because I did not trust anyone. So I would meet my needs by, um, dis-, disrupting my placements. Advocating for what I needed, supplies. I would be transferred to different homes, and instead of going back to get my belongings, they decided it would be better, um, for everyone if they just bought me new things. (*sigh*) I, I'd say seventh grade was when I started taking over all responsibility for myself. I would not let anyone make appointments for me. I would call and make my own appointments, and I would call and set up transportation rides for myself. And, I would simply say this is what — I would ask my foster parent if I could go see a friend. She would say, ‘No.’ I would say, ‘Okay, I will be back at seven o'clock.’ I would go. Come back by seven. Make sure that I was back by the time I said.

She would ground me. I was like, ‘Okay.’ The next day I would ask to go do something, she would say, ‘No.’ I would do it. [00:27:50.23]

Because at that point, I had enough, and I was going to be responsible. Because I just gave up on trying to trust and letting someone get close to me. I was too hurt. We were, at that time — My older brother was in Southern Maine in a residential facility. I remember, I was allowed to see him two or three times. And then my younger brother, I did not see at all. [00:28:29.22] And so, I just started running my own ship. And, I was able to get what I needed from the Department, and I was perfectly happy running my life that way. Because if something





happened, I was the only one to blame. I was tired of being disappointed by people that were supposed to be there to take care of me. And how could that be when no one was consistent?

**RG:** Yeah. Thinking back on your experiences in care, what would you have wanted or needed? [00:29:13.21]

**MA:** *(sigh)* One of the things that ... was the biggest — One of the biggest injustices that was done for me was, I never had to confront closure. When I was to leave a foster home, a caseworker would come get me. I never had to speak with them again. Because transition's hard and there's a lot of — People cry. So they want to protect. So, I never learned how to say goodbye. I never learned how to have a healthy transition. So, as an adult, when it came to wanting to have relations with different people, if they said something, or if we started fighting. Goodbye. Hey, I'm done. I could walk away and never talk with them again. [00:30:19.12]

And, they cost me a lot of relationships as a teenager and as an adult. Luckily, my wife was a very strong and understanding woman, and will hold my feet to the ground and say, 'Tough. You're gonna sit here and we're gonna talk. We're gonna fight this out, and we're gonna go to bed and we're going to wake up in the morning.' I tried pushing her away. She won't go. So, *(laughs)* luckily she understands that and has been able to help me with that. But, for most of it it's ... People sheltered us so much from having those awkward goodbyes, and that was awful. [00:31:09.09] In my current job working as a caseworker, I work really hard at making sure that we can have those, because those are such learning opportunities. How can we appreciate the highs if we don't have a little bit of the lows? And so, that was a huge thing that they, I wish would have been different.

The other part was, I really wish they would have been able to connect me with, um, the Native community. Even if it was not my Tribe, we — I was always in the Bangor area. It would have been easy enough to be a part of the Penobscot community and learn their culture. It was not until high school that I learned about the Wabanaki community. [00:32:10.25] No one talked about the Tribes and how similar that they were. And I don't, I think a lot of my caseworkers and foster families, they just did not know.

**RG:** Can you tell me about your decision, uh, to get into social work? Then I promise we'll get to these really fun technical questions.

**MA:** After growing up in the foster care system, I saw how wrong things were done. And throughout my young adulthood, I saw things had been changing. But I can say for sure, given the fact that I, both me — Well, actually, both of my brothers ended up transitioning back to live with our biological family; we left foster care to go live with them. We ran away from our homes at some point, and we all went back to live with them. And they — because of the drug



use and the gambling and mental health issues — they were not what I consider safe and healthy parents. [00:33:35.11]

That's why I left, um, and went back to live with Sue. My other brothers stayed there. And I was the first one in my family to graduate high school. My older brother is addicted to drugs, um, was living on the streets most of his adult life. He would be making road trips to Florida for prescription drug runs, hitting up different hospitals all the way down, uh, with injuries. And, I got out of that, and was able to finish high school, go on and get my bachelor's degree, and then go on and get my master's degree. Even with a severe learning disability.

[00:34:35.28] The system was not perfect. There's a lot of errors. But for me it was better than the alternative. So, I wanted to work for the system, and be able to help continue that positive gains, but also hold them accountable when they were letting the ball drop. And, I decided that the way to do that was to work for the Department, and work from the inside. And I can really help stop the recidivism rate. And that's a huge issue that I've seen, the generational involvement with us. And I feel like, if we are able to do our job effectively and really make those connection for the biological family, we can stop that. [00:35:33.18] And, I think I've been successful to some degrees on working with families. But given our current caseloads, it's really hard to spend as much time as some of our cases need. But I can at least hold them accountable and help educate them on different policies and the intent of the policy and recommend changes.

**RG:** Yep. There's two things that you mentioned to me before we started recording. And I'm wondering if you can mention them again? About the ICWA training and the policy in this Department.

**MA:** Yes. ICWA training. [00:36:30.03] *(sigh)* I think it needs to be a required training at the very beginning, before people take cases. And currently it's not that. It's, you have to take it, I believe it's within six months of working here.

**RG:** That's not part of the pre-service training?

**MA:** No.

**RG:** Interesting.

**MA:** It's talked about briefly, but not, um, in any depth. [00:36:58.13] And, a lot of people I've come across do not know where to find the ICWA policy, um, in our computer system. My unit mates — I've printed it off and I have it hanging in my cubicle for easy access. There's confusion on when and how we access information and share information with Tribal communities. I've gotten calls, um, from Intake on reports of child abuse, and there's been some mention that there's been some Tribal involvement, but, that's all there is. I feel like a better way of making sure that's taken care of, is by Intake following up on and getting as much information about that, so that they themselves could call and let the Tribal communities know. 'We have this case. We're going to be looking into it. Do you want to collaborate with the int-, with the assessment worker?' [00:38:22.01]



That's not being done right now. It's up to the assessment worker to determine whether or not there's ICWA involvement and, at that time try and get the Tribe involved. I think Intake — It would be more affective if Intake was able to do that, so that once the Tribe can be involved from the assignment activities to that very first knocking on the door if that's what they wanted. Instead of finding that out at that first meeting and having to go back and contact the Tribe at that point. That information should have been — When possible, there are times where the referent does not know that information. But I do know that there are times where that information — Or, we even have that information on file from a previous involvement. [00:39:20.24] *(sigh)* There's been confusion on ... taking the word for, from the parents, that they are not on the census. And explaining to co-workers that you still need to share that information with the Tribe and determine, and have them determine whether or not that's accurate, because there are times where the parents may not want the Tribe involved. So, they're not gonna share that. But when you know that there has been or there, there's Native, some sort of Native, you should always reach out and let the Tribe determine and send you an official letter. [00:40:16.04]

I've been really encouraging co-workers to explore Canadian, um, especially Atlantic Canadian Tribal affiliations and whether or not that would help lead to any memberships into Maine reservations as well. There's been ... some resentment by, um, caseworkers about why they have to do this additional work. Not understanding the rate of Native children being taken away from reservations. And not understanding the effects that the boarding schools had. And they said, 'Well, what's next? Are we gonna have to look at African American family cultures?' And I was like, 'You *should* be looking at culture and whatever it is. And encouraging the connection with the culture, 'cause that's imp-, culture's important to *you*. It is to the children.' [00:41:45.03]

I think a more in-depth ICWA training is, should be done at the very beginning pre-service training, as well as refreshers. To encourage things to update, um, information on who to contact at the Tribes. And ... it's so important that we need to — I think this half-a-day training six months into your employment is not doing it justice. And I know that we're not 100% in ICWA compliance. [00:42:34.03]

**RG:** Backtracking a little bit, can you tell me a little bit more about your employment with DHHS? How long you've worked for the Department, what your role is specifically?

**MA:** I've been employed by the Department for a year and a half as a permanency caseworker. Prior to that, I was on the Citizen Review Panel for the Department of Health and Human Services. And I was also a subcontractor for, um, the Youth Leadership Advisory Team for the Department of Health and Human Services for a year. [00:43:10.03] Yeah.

**RG:** How many of your cases involve Native kids, would you say? An estimate. It doesn't have to be exact.

**MA:** At this current moment, I have 14 cases, and (*brief pause*) I have five cases that are Native families. Only one is an ICWA case.

**RG:** How does the Department, and how do you navigate that relationship specifically, if five of your cases involve a Native child but only one falls under ICWA?

**MA:** Can you explain the question? I don't understand it.

**RG:** So how, uh, what's the policy that the Department has for Native kids that don't fall under ICWA?

**MA:** (*sigh*) We don't have a policy. [00:44:09.29] I encourage the families — There's one family that, um, some of the children are able to be placed with relatives, but other children, due to the different dads, are placed in foster care. But, one's actually able to stay with their, a Native family. So that's great. For those that are unable to stay in Native families or Native homes, I really encourage — I talk every month, um, to the foster parents about: 'What have you done to expose them to this culture? There's websites where you can go play music. And an infant, you can be playing this music just to expose them to that. There are community outings all the time. Have you been to any of the museums, um, for the older children?' Working with the parents to help bring that into the visit. [00:45:23.00] And also working with the foster parents to — We're not mandated to do any of this, but it's the right thing to do. And it's so easy to do. With the technology that's out there, we can do anything. I've offered to have an ITV session with, um, different Tribal representatives for people. Thinking outside the box and really expose them to their culture. Because they may not be on the census, but that does not mean that it's not as important to them.

**RG:** Yeah. Absolutely. [00:46:07.13] Um, when did you first learn about Maine's policies related to ICWA?

**MA:** When I was ... probably 16.

**RG:** Can you tell me a little bit more?

**MA:** When I was 16, I — My life skills worker, um, at the time was talking to me about college and stuff like that, and I was told about ICWA and the fact that I was a Native and what that meant. And I remember asking her, 'Well, why was I never placed with a Native family? Why was I not allowed to have contact with my grandfather, who was never substantiated for abuse and let alone he was at BHMI with severe memory loss. He was not a threat. [00:47:12.29] He was very close to being wheelchair bound most of the day. He was not a threat to us. Why was I deprived of all of that? Why was I not allowed to see my brothers? Can you help me get onto the census? Will you - can you take me to the Tribe?' And I remember her saying, 'No,' because I'm not Native, and I'm not allowed on the reservation. And, uh, 'Okay. Well, that, that doesn't seem fair.'



**RG:** Um. And you didn't receive pre-service training that covered ICWA?

**MA:** No. *(sigh)* I'm, I'm, ICWA was talked very briefly about. But the ICWA training itself is something that has to be within — I believe it's six months, within six months — Yeah, 'cause it's not the year one. We have certain trainings that we have to have done within six months of employment and within the first year. And I believe ICWA's in the first six months.

**[00:48:47.08]** And it was actually — At my ICWA training there was, um, no Native, no one Native was there. I guess Esther was, is typically there, but she was not there for the one that I went to. Which I found really shocking. *(short laugh)*

**RG:** Could you describe a situation in which you felt very positive about your work with a Wabanaki child or family?

**MA:** I've been able to work, uh, with Debbie Francis on a very complicated case that she's been able to, we've been able to partner up with — and this young man is at the correctional facility — and we've been able to work together to help bring in some culture and exposure to that child in the Department of Corrections, which is a whole different beast outside of us. *(laughs)* So, working together, we've been able to help navigate that system for the best interest of this young man. **[00:50:08.00]**

**RG:** Um, hmm. That's fantastic.

**MA:** I have another family right now. We're going to unfortunately end up having to TPR, but placement is with, um, it's — Mom's on the census, and placement is with the great aunt. The great aunt is on the census, but the child is not on the census. But we've been able to — the child's been able to — that's the only placement they've ever known, and they're going to adopt, and they live right by the reservation and they're applying for a waiver to get the child on the census as well. So, a really great outcome for that young child.

**RG:** Absolutely. Could you tell me about a time when you felt less positive about your work on behalf of a Wabanaki child or family? **[00:51:11.22]**

**MA:** *(pause)* At times, there can be a lack of sharing and trust from the Penobscot Nation, so the Child Protective. We share information with them freely, but there's been times where that's not reciprocated. And, at times it's been us — It's felt like us versus them. And in particular, a couple different cases in my unit. They've had some real battles with getting information to help facilitate an assessment on an open case. And, I know that the turnover — There's been some turnover with their staff up there, um, but it's been — That's one of the big complaints that I continue to hear from co-workers. And I would agree that, um, they expect us to share information with them freely, but that's not always returned. When appropriate, it's not been returned. So. And then there's — We don't have a great working relationship with some of the

other Tribes that are not part of Maine. [00:53:01.06] Some of the smaller Tribes. It can be very challenging to get that letter saying yes or no that they are or are not on the census.

**RG:** Um, the next couple questions I'm going to be asking about your experiences or challenges you've found working in the specific areas of the policy. If you don't have experience with that, you just let me know and we move right on. So what are your experiences in or challenges you've found in initial identification of a child as Native American?

**MA:** I have been able to — I've, it's been a very prompt call-back from the Penobscot Nation. [00:53:48.19] And asking for information, um, to help them make the determination. And they're really good at faxing back the letter saying yes or no. So the Penobscot Nation has been really helpful. And those are the ones that I've been having the most contact with.

**RG:** Great. And how about in determining jurisdiction or residence of Native American children?

**MA:** I have one that's a really complicated case. It's a juvenile just-, the child came to us through the juvenile justice. [00:54:36.21] And it's an ICWA case. And jurisdiction has always been an issue, um, and the Tribal — 'Cause it's been a parallel case with the Tribe as well, involving the same family.

**RG:** And how 'bout in child custody hearings? Experiences or challenges?

**MA:** I've had a, I've a very positive, um, relationship and with Debbie Francis at the Penobscot Nation. She and I work very close together. And she's very receptive to ... staying involved with a case. Cases that I have close — I'm drawing a blank on the gentleman's name, but I've also had very positive working relations with the, um, Aroostook County Band of Micmacs, coming down, being present for all the court cases, and really helping to have a positive outcome for that case. [00:56:11.19] So ... I think my, my experiences with the Tribal ... participation and court cases have been very positive so far.

**RG:** Great. And how 'bout in arranging foster care placements?

**MA:** I don't — Have not had any experience with that. Most of the time, I'm a permanency worker, so most of the time they've already had a placement.

**RG:** How 'bout in family team meetings?

**MA:** Positive. Again, both of those Aroostook County Band of Micmacs and Penobscot Nation, um, they've been able to send a representative to the family team meetings or participate via the phone. [00:57:13.20]

**RG:** How 'bout in arranging family visitation?

**MA:** They have not ... It has not been an issue. They've been ... open to having me go and speak with the families on the reservation, um, without — Given that this family that we've



been working with has been hard to work with and there's muddy relations that they have, they thought it would be best for me to work with the family without their involvement. It hasn't helped any, but they're really open to that.

**RG:** How 'bout with kinship care?

**MA:** [00:58:12.10] No experience. The only kinship care that I know, um, has been, has not been an ICWA case. There's, they've been really supportive of the family where the child is placed with the great aunt, but that was done — That's been the only placement this child has ever known. So. It is — I have noticed that one of the things seem to be a pattern that Penobscot Nation is very hesitant to terminate a parental rights. Other Tribes are less hesitant and less resistant to do that. Penobscot Nation seems to really prefer other outcomes such as a permanency guardianship or something along those lines. [00:59:14.11]

**RG:** So my next question was actually about TPR and adoption, if you want to expand on that?

**MA:** I, like I said, Penobscot Nation — Seems to be the current preference would be not to terminate parent's rights, but we look at permanency guardianship or other creative ways. Other Tribes, um, are willing to allow us to operate under the same practice and guidelines that we would for a non-Native, but Penobscot Nation seems to be the one that will resist a TPR, but would be in support of other creative measures. They're not saying that the child should be placed back with the family, but saying, 'Let's come up with a different way and not terminate their rights.'

**RG:** Um, what do you consider active efforts to prevent the break-up of a Native family, and could you describe how the State conducts active remedial, and rehabilitative efforts to prevent that break-up before considering a out-of-home placement?

**MA:** Wow. That's a very loaded question. Or multiple questions. I feel like ... Maine in general, is doing a better job at looking at kinship placements. Formal and informal. [01:01:07.25] So in general, that's been our — We've really increased the numbers of kinship placements for Native and non-Native families. So, I think that is a very positive change. (*sigh*) When it's clear that it's an ICWA case, I think the Department does a better job because they have someone else looking over their shoulders. But when it's a non-ICWA case but a Native culture, even if it's a first generation removal or — not a removal — or not eligible for the census ... We don't pay, we don't pay kinship placement any more of a special than we would a non-Native. [01:02:06.02] And again, that goes back to the intent of the law, and I think this is a case where we really should in general be looking at more of a kinship placement, but especially with Native families. Getting them — I would like to see more emphasis on recruiting Native families for foster placements. And looking at options of closer to the communities, um, whenever possible.



**RG:** Is the active efforts standard used in cases involving Native kids different than the reasonable efforts standard used for non-Native kids?

**MA:** I don't think it is.

**RG:** How are Tribal Child Welfare staff included in the development of a case plan?

**MA:** We reach out to ... the Tribal community and representatives for all FTMs and all court cases. [01:03:26.04] I think we could be reaching out on a more informal basis outside of the court and FTMs and to try and keep them apprised of how the case is moving, and using them as a resource to help with the biological family and support them instead of just showing up to the court cases. I feel like we can do a better job at facilitating reunification when the family develops a plan themselves. The way I like to look at things is, this is a goal, we need to alleviate this, and this is how we're gonna show them. How are we gonna get there? I'm not telling you how to get there, you're going to come up with — Let's come up with it together. And by having as many people support them, the parents, on accomplishing their goals that they have worked out and being there throughout the life of the case and not just at the meetings. [01:04:38.08] I think would be a better use.

**RG:** Absolutely. To the best of your knowledge, if a Tribe declines to intervene in a child custody proceeding, what are the reasons for that decision?

**MA:** The only time that's happened with me is when they have not been ... in, on the census. That's the only time that I've had them decline.

**RG:** To the best of your knowledge, has the State ever declined to transfer a child custody, a case to Tribal court is essentially what I'm asking?

**MA:** No. I know, I remember when I first started, I was talking with a couple of the supervisors, and they were saying that they wish that they could transfer all the ICWA cases over to Tribal court and Tribal CPS. [01:05:43.05]

**RG:** Have you had any experience working with an expert witness?

**MA:** Yes.

**RG:** Can you tell me about that?

**MA:** Our computer was not set up for her billing. *(laughs)* Which caused a *lot* of problems. My supervisor had no idea what an expert witness was, nor did the AAG at the time, and how to — Whose witness she was for and how she was going to present her evidence. It was really embarrassing, actually. [01:06:24.08] Ended up having to print off ICWA and highlight the area that talked about expert witness and showed it to my supervisor, um, and also showed it to the AAG.

**RG:** Would you mind telling me who the AAG was at the time?

**MA:** Thomas Matzilevich.

**RG:** And your supervisor?

**MA:** Wendy Karnes.

**RG:** Thanks.

**MA:** You're welcome.

**RG:** Okay. So you printed off the policy.

**MA:** And because — They were really confused about her role versus a Guardian ad Litem's role. Who was supposed to be paying for this expert witness? Was it the Tribe paying? We had the Tribal represent-, we have the Tribal CPS here, what is her role? And then, when we get to court, um, Tom didn't know whose witness she was, and her role exactly. The judge did not know. And we were able to walk both of them through, explaining that she was our witness, and this was her role. [01:07:58.01] But that was the only time that I've had any dealings with it.

**RG:** What State Child Welfare policies, practices, and events have influenced your work?

**MA:** I think the biggest thing that really influenced — I know this is gonna be not really the answer, but, just simply educating co-workers and foster families on what ICWA's all about and the importance of, that a lot of families and their workers that, co-workers to the State, I told them that I was meeting with the TRC. They had no idea what that was. [01:08:56.11] And it's just, I do what I can to educate the youth and everyone else that's involved.

**RG:** How have State Child Welfare policies and practices changed during your employment, and how has this impacted your work?

**MA:** As I said, there's been a true effort on kinship placements across the board. And I really feel like we are doing much better at that. [01:09:33.10] I was recently in a co-, in Dallas at a conference because of — Maine was selected as a pilot state because of the work that we've done in kinship placement and helping to foster that and advocate for the continued use of kinship, both formal and informal.

**RG:** Um, hmm. That's great. Over the course of your work, what do you or did you see as barriers to the successful implementation of ICWA?

**MA:** I know some people that were hired and left before they even had the ICWA training, and that they have cases that are — They're carrying caseloads and they don't understand what ICWA is, and they haven't had the training yet. And it's really sad. Our turnover rate is *extremely* high. The unit right next to me — A unit has six staff, and the most senior person in that unit has been there less than a year. [01:10:54.16] We have two people in permanency in the Bangor office that has been at the Department for over five years.

**RG:** Um, what strengths does State Child Welfare possess in ensuring ICWA compliance?

**MA:** I think Maine has really — There's been a lot of spotlight on the errors and the injustices that have been done. Part of it I think, is evident by the work that you folks are doing, the TRC. So there's been a lot of attention brought to the importance of ICWA, and ensuring that it is followed. I know judges have been more cautious and reprimanding the Department when they don't have letters specifically from the Maine Tribes saying yes or no. Saying no that they're not going to be a part of the court proceedings. [01:12:13.03] We don't need letters if they say yes, because they're there. (*laughs*) But when we — When there's Native American ancestry, the judges are now asking for that letter from the Tribes saying that no, they're not going to be participating and that they're not eligible for the census.

**RG:** And what weaknesses do you see the State possessing?

**MA:** We're a creature of habit, and the turnover rate is so high in this job. We have a lot of young employees that, um, may not have had any exposure to ICWA in their education. Not all of us have social work degrees, and it's very rare that we have bachelor's/master's degrees. [01:13:17.11] So, I think a lack of exposure to ICWA is a big issue. I would like to see a copy of, um, the ICWA policy printed off and hanging in each unit. And like I said, I think we need to make this a priority for new hires and also a yearly review. To make sure that we're always thinking. But there's a lot of trainings that are required for caseworkers now, and our caseloads are so high that there's a balancing act. And they're trying to get us into the field as quickly as possible.

**RG:** Yeah. What strengths do you see Wabanaki Tribes possessing in working with the State for ICWA compliance?

**MA:** I feel like ... I don't know if it's that I'm getting a different response from the Tribal communities because I myself am Native, um, but I've had a very positive relations with all of the communities that I have worked with. [01:14:48.16] Co-workers in my unit have not had positive outcomes. So, I don't know what — If it's the different personalities? Is it the Tribe? Is it the coworker feeling resentful for having to do this? I don't know what it is, but I've had very positive, um, I've had nothing *but* positive ... with the different Tribes here in Maine. We do have, like I said, we share information freely with them and they have — And they're really good at advocating for ICWA and their clients and their Tribes. They're always at court, really helping to ensure that the judicial system is held accountable as well.

**RG:** What weaknesses do you see?



**MA:** As I mentioned, I think one of — We, the Department shares information freely, but at times, Tribal CPS is not as forthcoming with information. [01:16:14.22] To help facilitate a cooperative relationship. Yeah.

**RG:** Can you tell me a little bit about the important of caseworkers having a knowledge and learning about the American Indian — Native American — American Indian always sounds so foul to me — ah, Native American structure and family culture?

**MA:** It is, I think people take it for granted that people know about the Native American culture and what it truly means, but ... I've found that it seldom is the case. I think people in my past, and caseworkers assume that I was getting information about the Maine Tribes from school and stuff like that, and that's why they didn't talk to me about it. [01:17:21.12] Our public education is lacking in-depth, quality education on Maine Tribes, and we need to educate staff members who really appreciate the value. Because I think it is very different than — It can be very different than that of a Caucasian, Down East family structure.

**RG:** Um, hmm, um, hmm. Absolutely. In what ways do you see Maine's Indian Child Welfare policies and the Adoption and Safe Families Act working together? And in what ways do you see them not working together? [01:18:09.17]

**MA:** There's been a real push, as I said, for permanency guardianship — excuse me — with kinship placement. I really support that. There's been, um, some great work with supporting financially the resources for permanency guardianship. Now, through the permanency guardianship, there are resources available to youth who entered a PG after the age of 16. The similar benefits as adoption when it comes to past secondary education's benefits, healthcare until 26. Things along those lines. So, I think there's been some great work with adoption and PG routes. Not working well together? [01:19:15.05] Let's see. I guess I haven't given that much thought. How have they not been compatible? Um. I guess I don't know.

**RG:** That's okay. If you could change anything or make anything happen at the Tribal, State or Federal level to improve the lives of children touched by ICWA, what would you do?

**MA:** I would have the State of Maine be responsible for assisting with documenting ancestry and genealogy, um, for those families that were affected by non-compliance with ICWA. I think that's the very least that the State of Maine can do, because the Tribes don't have that availability to do that. And, why are you blaming the victims?

**RG:** Absolutely. Absolutely. Is there anything else that you want to share about your experiences? Anything you want, you want to see come out of this process, aside from what you've just mentioned?

**MA:** I think if we can help educate the public, not just here in Maine, but across the United States, about the injustices that have been done and how we can work with the Tribes in facilitating healing, because we have generational trauma that's been swept under the rug. And I think there's a lot of blame to go around. I think it — There's been some Tribes that, in some aspects, have swept it under the rug. And the Federal government continues to sweep it under the rug, and a lot of states have. And I think by bringing it out and talking about it and taking ownership is the only way we can start healing. *[01:21:44.25]*

**RG:** Absolutely. Is there anything else you'd like to add?

**MA:** No.

**RG:** Thank you so much for your time, and for taking the time to answer all of my very long questions. I'll mention again that, at any point, you can make changes, add, take away, all that kind of stuff.

**MA:** Okay.

**RG:** So, thank you.

**MA:** Thank you. *[01:22:02.27]*

**END OF RECORDING**